

FILED

DEC 08 2022

Mark C. McCartt, Clerk
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT

for the
Northern District of OklahomaDANIEL LEE MITCHELL
Petitioner

v.

22 CV - 534 CVE - CDL

Case No.

(Supplied by Clerk of Court)

CHEROKEE NATION
Respondent
(name of warden or authorized person having custody of petitioner)**PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241****Personal Information**

1. (a) Your full name: DANIEL LEE MITCHELL (NON-INDIAN)

(b) Other names you have used: _____

2. Place of confinement:

(a) Name of institution: CHEROKEE COUNTY DETENTION CENTER

(b) Address: 1513 N. DOUGLAS AVE
TAHLEQUAH, OK 74464

(c) Your identification number: 093502

3. Are you currently being held on orders by:
 Federal authorities State authorities Other - explain:
CHEROKEE NATION

4. Are you currently:
 A pretrial detainee (waiting for trial on criminal charges)
 Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
 Mail No Cert Svc No Orig Sign
 H.P. C/J C/MJ C/Ret'd No Env
 H.H. No Crys No Env/Crys O/J O/MJ

(b) Docket number of criminal case: _____

(c) Date of sentencing: _____

Being held on an immigration charge
 Other (explain): PETITIONER WAS INCARCERATED AT ROGERS COUNTY JAIL (FROM 8-18-21 to 11-09-22) MOVED TO CHEROKEE COUNTY ON (11-09-22 to CURRENT DATE)

Decision or Action You Are Challenging

5. What are you challenging in this petition:
 How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example,

TSR

revocation or calculation of good time credits)

Pretrial detention

Immigration detention

Detainer

The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)

Disciplinary proceedings

Other (explain): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: ROGERS COUNTY JAIL CLAREMORE, OK 74017
HELD BY CHEROKEE NATION

(b) Docket number, case number, or opinion number: CF-2021-1345

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

PETITIONER IS A (NON-INDIAN), INCIDENT OCCURRED 7-26-2022 DETENTION
OFFICER AT ROGERS COUNTY JAIL STATE OF OKLAHOMA VIOLATED POLICY BY DESTROYING
LEGAL EXHIBITS FOR DEFENSE (OBSTRUCTION TO JUSTICE) FOR DEFENSE OF CHEROKEE NATION

(d) Date of the decision or action: FINAL FACILITY 10-24-22 2:15pm CAPTIAN GRIEVANCE

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: ROGERS COUNTY JAIL GRIEVANCE(S) FILED

ADMINISTRATIVE

(2) Date of filing: 10-24-22 FINAL GRIEVANCE 2:15pm

(3) Docket number, case number, or opinion number: 10-24-22

(4) Result: NO CANNOT REPLACE EVIDENCE AND INABILITY TO OBTAIN

(5) Date of result: 10-24-22

(6) Issues raised: INCIDENT OCCURRED JULY 26TH 2022 ROGERS COUNTY JAIL

DETENTION OFFICER MALLOT AN EMPLOYEE OF ROGERS COUNTY JAIL STATE
EMPLOYEE OF OKLAHOMA DESTROYED PETITIONERS EVIDENCE FOR ACTUAL INNOCENCE
THE EVIDENCE WAS (TARGETED SPECIES) EMPLOYEE CAUGHT ON RECORDED VIDEO.

(b) If you answered "No," explain why you did not appeal: _____

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: ROGERS COUNTY POLICE REPORT FULL

OBSTRUCTION TO JUSTICE

(2) Date of filing: 10-25-22

(3) Docket number, case number, or opinion number: REPORT NUMBER R22030009

(4) Result: NIA

(5) Date of result: NIA

(6) Issues raised: DESTRUCTION OF EVIDENCE BY STATE EMPLOYEE FOR
PETITIONER'S COURT CASE IN CONSPIRACY NATION

(b) If you answered "No," explain why you did not file a second appeal: _____

9.

Third appeal

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: OKLAHOMA STATE ATTORNEY GENERAL

CITIZEN COMPLAINT

(2) Date of filing: 10-31-2022 MAILED TO ATTORNEY GENERAL

(3) Docket number, case number, or opinion number: NIA

(4) Result: NIA

(5) Date of result: NIA

(6) Issues raised: ROGERS COUNTY HOLDING FACILITY FOR CHIEF EXECUTIVE DOES
NOT HAVE ABILITY TO OBTAIN THE LEGAL EXHIBITS THAT ROGERS COUNTY SHERIFF
EMPLOYEE MAILED TO STATE OF OKLAHOMA DESTROYED (SPOILATION OF EVIDENCE)
VIOLATED DUE PROCESS RIGHTS, ACCESS TO EVIDENCE VIOLATIONS OF THE
FOURTEENTH AMENDMENT, A PROHIBITED OR CRIMINAL ACT BY STAFF MEMBER

(b) If you answered "No," explain why you did not file a third appeal: _____

10.

Motion under 28 U.S.C. § 2255

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

(a) Date you were taken into immigration custody: _____

(b) Date of the removal or reinstatement order: _____

(c) Did you file an appeal with the Board of Immigration Appeals?

Yes No

If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

Yes No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: LACK OF JURISDICTION

(a) Supporting facts (Be brief. Do not cite cases or law.):

PETITIONER IS A (NON-INDIAN) CHARGED BY CHEROKEE NATION FOR VIOLATION OF PROTECTIVE ORDER, A-B, THREATEN AN ACT OF VIOLENCE. THE CHEROKEE NATION HAS NO EQUAL PROTECTION OF LAW AND PREJUDGED MY CASE BY IRREPARABLE HARM. THE JUDGE, ATTORNEY GENERAL AND ATTORNEY FOR PETITIONER SIGNED A MOTION STATING, DEFENDANT WAS CHARGED WITH HOMICIDE

(b) Did you present Ground One in all appeals that were available to you?

Yes No

GROUND TWO: VIOLATION OF DUE PROCESS

(a) Supporting facts (Be brief. Do not cite cases or law.):

PETITIONER IS A (NON-INDIAN) CHEROKEE NATION CANNOT PROVIDE EQUAL PROTECTION OF LAW NOR PROVIDE AN IMPARTIAL COURT WITH THE ALLEGED VICTIM A 2023 REPORTER US SENATE GRINDATE MEMBER OF CHEROKEE NATION THAT HAS PARTICIPATED IN A COLLABORATIONAL CONTRIBUTION SCHEME FOR U.S. SENATE

(b) Did you present Ground Two in all appeals that were available to you?

Yes No

GROUND THREE: OFFENSE UNDER DURESS CANCEL FACTS WITH COERCIVE INFLUENCES AND THEREFORE CONSTITUTIONALLY PROHIBITED

(a) Supporting facts (Be brief. Do not cite cases or law.):

CHEROKEE NATION ATTORNEYS HAVE THREATENED IMPRISONMENT AND INJURY HARM TO PETITIONERS ACTUAL INNOCENCE IF HER REFORMS IS FILED (PROCEDURAL DUE PROCESS) AND (SUBSTANTIVE DUE PROCESS) ARE VIOLATED

(b) Did you present Ground Three in all appeals that were available to you?

Yes No

GROUND FOUR:

PROSECUTION HAS WITHHELD EVIDENCE THAT COULD HELP WITH CASE

(a) Supporting facts (Be brief. Do not cite cases or law.):

VIOLATION OF 14TH AMENDMENT CONFRONTATION CLAUSE

PETITIONER HAS FILED motion TO PRODUCE DISCOVERY SINCE AUG 18, 2021 PETITIONER INCARCERATED OVER 15 MONTHS AND HAS NOT SEEN DISCOVERY OR ANY EVIDENCE FOR THE CHARGES. HAS NEVER SEEN A JUDGE OR COURTROOM

(b) Did you present Ground Four in all appeals that were available to you?

Yes No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

PETITIONER DEMONSTRATES UNCONSTITUTIONAL ERRORS AND DEPRIVED FROM THE PRIVILEGES AND RIGHTS PROVIDED BY THE UNITED STATES CONSTITUTION. CHEROKEE NATION CANNOT GUARANTEE CONSTITUTIONAL RIGHTS TO PETITIONER

Request for Relief

15. State exactly what you want the court to do:

PROVIDE PETITIONER AN ATTORNEY FOR THE COMPLEX LEGAL CHALLENGES IN THIS HABEAS CORPUS. PETITIONER DEMANDS LIBERTY FROM THE CHEROKEE NATION THAT HAS VIOLATED CONSTITUTIONAL RIGHTS GIVEN TO A BASIC CITIZEN (NON-INDIAN) CHEROKEE NATION HAS PERSECUTED A (NON INDIAN) FOR INNOCENT CONDUCT PETITIONER DEMANDS TO BE RELEASED

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 (OKND Mod 07-2019)

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system with the correct postage attached:

DECEMBER 06, 2022

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 12-5-2022

Daniel Lee Mitchell
Signature of Petitioner

Signature of Attorney or other authorized person, if any

Legg
Daniel Mitchell - F
CHEROKEE COUNTY DETENTION CENTER
1513 N. DOUGLAS AVENUE
TAHLEQUAH, OK 74464
(P)918-456-8311 (F) 918-456-8358

INMATE MAIL PM 3 L
postage Mailed 12/08/2022
TULSA, OK 74103-3819


CLERK UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA
RECEIVED 333 WEST FOURTH STREET Room 411

DEC 08 2022 TULSA, OK 74103-3819

Mark C. McCart, Clerk
U.S. DISTRICT COURT